

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Donovan Dejuan Brown,

Civil No. 16-cv-1207 (SRN/HB)

Petitioner,

v.

Michelle Smith,

**ORDER ON REPORT
AND RECOMMENDATION**

Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**;
2. The State of Minnesota's Motion to Dismiss [Doc. No. 17] is **GRANTED**;
3. Donovan Dejuan Brown's Amended Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [Doc. No. 12] is **DISMISSED**;
4. A certificate of appealability will **NOT BE GRANTED**;
5. Petitioner's Notice of Motion and Motion to Stay Habeas Corpus Proceedings on Remand to the State Courts for Exhaustion [Doc. No. 21] is **DENIED** as moot;
6. Petitioner's Renew Motion for the Appointment of Counsel [Doc. No. 24] is **DENIED** as moot;

7. Petitioner's Motion to Accept Nonconforming Appeal Papers [Doc. No. 25] is **DENIED** as moot;
8. Petitioner's Notice of Motion and Motion to Stay Motion for the Appointment of Counsel and Remand to the State Court for Exhaustion and Relief [Doc. No. 28] is **DENIED** as moot; and
9. Petitioner's Motion Requesting Extension of Time to File His Postconviction Petition, Brief and Motions with the Minnesota Court Of Appeals [Doc. No. 30] is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 28, 2016

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge